IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO.83 OF 2006

IN

SUIT NO.3388 OF 2005

...

BASF India Limited ...Plaintiff

v/s.

M/s.Mega Packs ...Defendants

...

Mr.V.R.Dhond i/b M/s.Negandhi, Shah & Himayatullah for the Plaintiff.

Mr.M.S.Bhandari i/b P.L.Bhujbal for the Defendants.

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CORAM: D.K.DESHMUKH, J.

DATED: 18TH JULY, 2006

P.C.:

By consent of parties the summons for judgment is disposed of in following terms:

(i) Defendants to deposit an amount of Rs.10,00,000/- in this court with due intimation to the Plaintiff within a period of 10 weeks from today. Defendants to deposit further amount of Rs.10,00,000/- within a period of 10 weeks from the date of deposit of first amount.

(ii) On the amount being deposited the summons for judgment shall stand disposed of and leave to defend shall stand granted to the Defendants. In that event written statement to be filed within eight weeks from the date of last deposit.

(iii) In case the Defendants fail to make either the first deposit or the second deposit as directed above, the summons for judgment shall stand granted and the suit shall stand decreed in terms of prayer clause of the suit. However, while drawing decree,

credit shall be given to the Defendant of Rs.6,50,899.20.

(iv) In case the amounts are deposited as directed above, the Prothonotary & Sr.Master shall permit the Plaintiff to withdraw the amount on furnishing a bank guarantee of a nationalised bank to the satisfaction of the Prothonotary & Sr.Master and on furnishing an undertaking to the Court undertaking therein to redeposit the amount so directed by this Court on such terms and conditions as may be directed by this court. The Plaintiff shall also undertakes that in case the amount shall be brought back, the rate of interest shall not be less than 12% p.a.

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